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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 07-00612 JF  
12 )  
13 Plaintiff, ) **[PROPOSED] ORDER REFERRING**  
14 v. ) **DEFENDANT TO BUREAU OF**  
15 ABEL LAMAS PACHECO, ) **PRISONS FOR MENTAL EVALUATION**  
16 Defendant. ) **PURSUANT TO 18 U.S.C. §§ 4241**  
 ) **AND 4247**

17 Defendant, Abel Lamas Pacheco, appeared before the Court on January 16, 2008, at  
18 which time defense counsel declared a doubt regarding the defendant's competence to proceed.  
19 The Court stated that based on its own observations regarding the defendant, a mental  
20 examination appeared warranted.

21 Accordingly, pursuant to 18 U.S.C. §§ 4241 (a) and (b), the Court HEREBY ORDERS  
22 that the defendant be designated to a suitable medical facility within the Bureau of Prisons, to be  
23 evaluated with respect to his competence. The defendant shall promptly be transported by the  
24 U.S. Marshals to said facility. The Court further orders that a report be prepared and filed with  
25 the Court pursuant to 18 U.S.C. §§ 4247 (b) and (c).

26 A further status hearing is set in this matter for February 13, 2008. In the event that the

1 evaluation has not been completed by that date, the parties shall so advise the Court.

2 IT IS FURTHER ORDERED THAT the period of time from January 16, 2008, to  
3 February 13, 2008, shall be excluded from the period of time within which trial must commence  
4 under the Speedy Trial Act, 18 U.S.C. § 3161 et seq, because time is needed for the defendant's  
5 mental examination.

6 Dated:

7 JEREMY FOGEL  
8 United States District Judge  
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